

## Message Text

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PAGE 01 STATE 105748  
ORIGIN EB-07

INFO OCT-01 EA-07 ISO-00 L-03 FTC-01 JUSE-00 SEC-01  
SP-02 USIA-06 AID-05 NSC-05 EPG-02 TRSE-00 SS-15  
STR-04 OMB-01 CEA-01 CIAE-00 COME-00 FRB-03  
INR-07 NSAE-00 XMB-02 OPIC-03 LAB-04 SIL-01 PA-01  
PRS-01 H-01 ITC-01 /085 R

DRAFTED BY EB/IFD/BP:TASCHLENKER:VJW  
APPROVED BY EB/IFD/BP:HJWINTER  
EA/EP - DBOERIGTER (SUBS)  
EA/J - DSMITH  
L/EB - SBENSON (INFO)  
FTC - JFISCHBACH  
JUSTICE - JDAVIDOW

-----110455Z 128094 /21

R 092322Z MAY 77  
FM SECSTATE WASHDC  
TO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: ETRD, JA

SUBJECT: ANTITRUST COOPERATION AGREEMENT

REF: A) TOKYO 6144, B) STATE 72546, C) 76 STATE 297160

1. DEPARTMENT HAS RECEIVED NO SUBSTANTIVE OFFICIAL  
JAPANESE REACTION TO PROPOSAL OUTLINED REFTEL C INDICATING  
USG INTEREST IN BEGINNING FORMAL TALKS ON BILATERAL ANTI-  
TRUST AGREEMENT WITH GOJ.

2. SOLE PRESS COMMENT KNOWN TO HAVE APPEARED IN U.S. WAS  
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PAGE 02 STATE 105748

IN "BUSINESS INTERNATIONAL" OF FEBRUARY 25, 1977 (COPY  
BEING POUCHED) WHICH WENT INTO SOME DETAIL ABOUT DEBATE  
BEING WAGED BY MITI AND FTC OVER PROPOSED US/GOJ ANTITRUST  
COOPERATION AGREEMENT. ARTICLE CONTENDS FTC WOULD LIKE  
ANY AGREEMENT TO INCLUDE MECHANISM FOR PROBING, AMONG  
OTHER THINGS, ALLEGATIONS OF CORPORATE BRIBERY AND TAX  
EVASION. ACCORDING TO BUSINESS INTERNATIONAL, MITI IS

ITSELF DIVIDED BY THOSE FAVORING AN AGREEMENT AS A MEANS OF CONTROLLING FOREIGN-BASED INTERNATIONAL FIRMS OPERATING IN JAPAN AND THOSE OPPOSING AN AGREEMENT ON GROUNDS OF PRESERVING CONFIDENTIALITY OF CORPORATE INFORMATION.

3. JAPANESE FTC PERSONNEL ATTENDING OECD GROUP OF EXPERTS MEETINGS AND VISITING WASHINGTON THIS SPRING HAVE MAINTAINED DISCREET SILENCE ABOUT ANY DEBATE IN TOKYO ON THE ANTITRUST BILATERAL. HOWEVER, SOME FTC OFFICIALS HAVE

INDICATED TO JUSTICE OFFICIAL THAT POSSIBILITY OF A BILATERAL AGREEMENT IS EXPECTED TO TURN ON OUTCOME OF NEW ANTITRUST LEGISLATION SHORTLY TO COME TO A VOTE IN THE DIET.

4. AS INDICATED EARLIER, U.S. IS PREPARED TO ENTER NEGOTIATIONS ON ANTITRUST AGREEMENT AT A TIME CONVENIENT TO THE JAPANESE. REFTEL (C) DESCRIBED THE EARLIER COMMUNICATIONS WITH GOJ WHICH CONTAINED THE PERAMETERS WITHIN WHICH WE BELIEVE AN AGREEMENT MIGHT BE SHAPED. IT APPEARS THAT GOJ HAS RESERVATIONS OR DIFFICULTIES WITH SUCH AN UNDERTAKING. FOR OUR PART, WE WOULD ONLY WISH TO GO FORWARD IF THE GOJ SEES REAL PROSPECTS FOR A MEANINGFUL OUTCOME. OTHERWISE STATED, WE DO NOT WISH TO PRESSURE

GOJ INTO SOMETHING THEY ARE NOT ENTHUSIASTIC ABOUT.

5. THE EMBASSY, AT ITS DISCRETION, IS REQUESTED TO INFORMALLY CONTACT THE MINISTRY OF FOREIGN AFFAIRS AND LIMITED OFFICIAL USE

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PAGE 03 STATE 105748

FTC AND INFORMALLY CONVEY THE CONTENT OF PARAGRAPH 4 ABOVE. THE INTENT IS TO INDICATE THAT IF THE GOJ WISHES AN OUT AT THIS TIME ON THE MATTER, WE WOULD UNDERSTAND AND NOT TRY TO PUSH IT FURTHER. CHRISTOPHER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** ANTITRUST, AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STATE105748  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** TASCHLENER:VJW  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Litigation History:**  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 TOKYO 6144, 77 STATE 72546, 76 STATE 297160  
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**Review Withdrawn Fields:** n/a  
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**Status:** NATIVE  
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**TAGS:** ETRD, JA, US  
**To:** TOKYO  
**Type:** TE  
**vdkgvkey:** odb://SAS/SAS.dbo.SAS\_Docs/7b69c397-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
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